

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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MARK NUNEZ, et al.

Plaintiffs,

No. 11-CV-5845-LTS

v.

THE CITY OF NEW YORK, et al.,

Defendants.
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**DEFENDANT RONALD COLSON'S NOTICE OF
MOTION FOR RECONSIDERATION**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of his Motion, and upon all of the prior pleadings, filings, and proceedings in this action, Defendant Ronald Colson, through his undersigned counsel, will move this Court, before the Honorable Laura Taylor Swain, United States District Judge, on such date and time as the Court will determine, in Courtroom 17C of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, for an order reconsidering the decision to “clarify[y] that all of the restrictions on the Monitor that are outlined in the Consent Judgment (including, but not limited to, section XX, paragraph 28 thereof) also bind the Deputy Monitor and the Monitoring Team staff.” Dkt. 786 (“Order”).

Pursuant to Rule A(2)(b) of the Individual Practices of Chief Judge Laura Taylor Swain, Mr. Colson’s counsel certifies that he emailed the attorneys in this case yesterday to request a call regarding this motion at 3:30 p.m. that day and sent a zoom invitation for same. He spoke with attorneys from the City of New York at the scheduled time; none of the other parties attended. Mr. Colson’s attorney explained the position that *Crumpton v. Bridgeport Educ. Ass’n*, 993 F.2d 1023 (2d Cir. 1993) barred the Court’s Order and that none of the Rules of Civil Procedure could support

it, either. The City did not agree to stipulate that the Order should be withdrawn. The City and Mr. Colson agreed to treat emails as letters pursuant to Rule A(2)(b). Mr. Colson's attorney asked that the City respond to his email that day, to which the City did not agree.

Colson v. Mingo, et al., 11-cv-2765 is scheduled for trial on January 6, 2025. Mr. Colson is aware that it may take the Court or the Second Circuit time to assess the substance of this motion. Given the time constraints, Mr. Colson told the parties earlier today to send any response to his emails by 7:00 p.m. today. In addition, Mr. Colson put in writing the reasons why he contends that the Rules of Civil Procedure could not support the Order.

No response was received by 7:00 p.m. today.

Given the time constraints, Mr. Colson certifies that he has used his best efforts to try to resolve the dispute regarding this Order under the circumstances.

Dated: Astoria, NY
October 23, 2024

/s/ Glenn Greenberg
Glenn Greenberg
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*Attorneys for Defendant Ronald Colson
solely as it pertains to Colson v. Mingo, et al.,
18-cv-2765 (S.D.N.Y.)*